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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/568,199

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Rodolfo Vasone

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11/05/2010

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EXAMINER

VU, THANH T

ART UNIT

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/568,199	<b>Applicant(s)</b> VASONE, RODOLFO	
	<b>Examiner</b> THANH T. VU	<b>Art Unit</b> 2175	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/31/2010 has been entered.

This communication is responsive to Amendment, filed 03/31/2010.

Claims 1-13 are pending in this application. In the Amendment, claims 6-13 were added, and claims 1-5 were amended.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

**Claims 1-13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.** The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification provides no examples or explanations of the instant application from start to finish instructing one skill in the art of how to construct the instant application without undue experimentation.

Claim 1 recites the limitation of “an electronic equipment having a monitor and a device for controlling movement of an icon of a display screen that possesses an instantaneous menu of

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search.” It is unclear from the specification where there is a support for the limitation. The examiner requests that the applicant direct the examiner to where there is support for the limitation.

Claim 1 recites the limitation of “the program generate a three dimensional image showing the shortest and best route to be followed by the user from a point at which the user identifies the desired destination to the desired destination along with notes about the shortest trajectory to be covered by means of an object movement.” It is unclear from the specification where there is a support for the limitation. The examiner requests that the applicant direct the examiner to where there is support for the limitation.

Claim 6 recites the limitations of:

a device configured to generate and display a three-dimensional **simulation path from a first point to a second point within a place of interest selected by a user** (*It is unclear from the specification where there is a support for the limitation. The examiner requests that the applicant direct the examiner to where there is support for the limitation*), the device comprising:

a monitor having a display screen (*It is unclear from the specification where there is a support for the limitation. The examiner requests that the applicant direct the examiner to where there is support for the limitation*);

**a device for controlling movement of an icon** in the display screen (*It is unclear from the specification where there is a support for the limitation. The examiner requests that the applicant direct the examiner to where there is support for the limitation*); and

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**a computer readable medium including computer executable instructions**, wherein the instructions, when executed, implement a method for generating and **displaying the three-dimensional simulation path from the first point to the second point within the place of interest selected by the user** (*It is unclear from the specification where there is a support for the limitation. The examiner requests that the applicant direct the examiner to where there is support for the limitation*), the method comprising:

**selecting the place from a search menu** in the display screen (*It is unclear from the specification where there is a support for the limitation. The examiner requests that the applicant direct the examiner to where there is support for the limitation*);

**identifying the first and second points within the place of interest** (*It is unclear from the specification where there is a support for the limitation. The examiner requests that the applicant direct the examiner to where there is support for the limitation*);

**generating the three-dimensional simulation path from the first point to the second point** (*It is unclear from the specification where there is a support for the limitation. The examiner requests that the applicant direct the examiner to where there is support for the limitation*); and

**displaying the three-dimensional simulation path on the display screen with an object in movement** (*It is unclear from the specification where there is a support for the limitation. The examiner requests that the applicant direct the examiner to where there is support for the limitation*).

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The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

Claim 1 recites "an electronic equipment having a monitor and a device for controlling movement of an icon of a display screen that possesses an instantaneous menu of search ". It is unclear of what possesses an instantaneous menu of search.

Claim 1 recites "a three dimensional image showing the shortest and best route to be followed by the user from a point at which the user identifies the desired destination to the desired destination. It is unclear how the user identifies the desired destination to the desired destination.

Claim 6 recites "the three-dimensional simulation path from the first point to the second point within the place of interest selected by the user." It is unclear how a simulation path from the first point to the second point is within the place of interest selected by the user.

Claim 6 recites the limitation "the place". There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Kida (US 2006/0092155).**

Per claim 1, Kida teaches computer-based device configured to generate a three-dimensional image for facilitation a localization of departments, store, items in exposition, numbered seats and strategic points of great shopping centers, museums, big stores, supermarkets, companies, houses of entertainment, theaters, fairs, and events the device (figs. 28 and 32; [0210]) comprising:

an electronic equipment having a monitor and a device for controlling movement of an icon of a display screen that possesses an instantaneous menu of search (figs. 9, 32 and 38; [0195]; [0196]; [0209]; [0219]) and

a computer program installed in the electronic equipment, wherein the computer program searches the place of interest of the user in different categories of search (fig. 9 and 32; [0195]; [0196]; [0209]), so that, when the user identifies a desired destination, the computer program generate a three dimensional image showing a shortest and best route to be followed by the user from a point at which the user identifies the desired destination to the desired destination ([0195]; [0196]; [0209]; [0211]; [0212]; [0219]; *which shows calculating the shortest path* ) along with notes about the shortest trajectory to be covered by means of an object movement (figs. 9, 32 and 38; [0140]; [0210]; [0211]; [0219]; *which shows arrows indicating a direction of travel (i.e. notes) of a user movement ; fig. 38 with notes 20301 and 20302*).

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Per claim 2, Kida teaches the computer oriented way device by three-dimensional image according to claim 1, wherein the computer program, in the electronic equipment, execute in real time, illustrating instantaneously where the products, places or items looked by the user are situated (Kida, [0034]; [0043]; [0113]; [0210]).

Per claim 3, Kida teaches computer oriented way device by three-dimensional image according to claim 1, for where the computer program displayed promotion mechanisms that use audiovisual resources, as a way to call the attention the customers and visitors of the place where the electronic equipment contained in the program is installed (Kida, [0098]; [0211]).

Per claim 4, Kida teaches computer oriented way device by three-dimensional image according to claim 1, the computer program is freely available for consultation in the world-wide net of computers (Kida, [0098]; [0115]).

Per claim 5, Kida teaches computer oriented way device by three-dimensional image according to claim 1, the computer program is carried on a CD or similar media for free distribution to customers ([0024]).

Per claim 6, Kida teaches a device configured to generate and display a three-dimensional simulation path from a first point to a second point within a place of interest selected by a user, the device comprising:

- a monitor having a display screen ([0093]);

- a device for controlling movement of an icon in the display screen ([0093]; and

- a computer readable medium including computer executable instructions, wherein the instructions, when executed, implement a method for generating and displaying the three-dimensional simulation path from the first point to the second point within the

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place of interest selected by the user ([0095]; [0209]; *which shows calculating a path between two points* ), the method comprising:

selecting the place from a search menu in the display screen (fig. 28);

identifying the first and second points within the place of interest ([0209]; *which shows paths are calculated between two points*);

generating the three-dimensional simulation path from the first point to the second point ([0210]; [0219]; *which shows a path that the user should follow* ); and

displaying the three-dimensional simulation path on the display screen with an object in movement (figs 9, 32 and 38; [0210]; [0219]; *which arrows indicating direction of travel of a user movement*).

Claims 7 and 10-12 are rejected under the same rationale as claim 2, and 3-5 respectively.

Per claim 8, Kida teaches the device according to claim 6, wherein the three-dimensional simulation path is a shortest and best route from the first point to the second point ([0209].)

Per claim 9, Kida teaches the device according to claim 8, wherein the displaying further comprises displaying notes about the shortest best route (figs. 9, 32 and 38; [0140]; [0210]; [0211]; [0219]; *which shows notes on direction of travel ;fig. 38 with notes 20301 and 20302.*)

Per claim 13, Kida teaches the device according to claim 6, where the place is selected from the group comprising departments, store, items in exposition, numbered seats and strategic points of great shopping centers, museums, big stores, supermarkets, companies, houses of entertainment, theaters, fairs, and events (figs. 28 and 32; [0210].)

### ***Response to Arguments***

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Applicants' arguments in the Amendment have been fully considered but are not persuasive.

Applicant's primary argument is that Kida does not teach "generation of a three-dimensional image showing the shortest and best route by means of an object in movement". The examiner does not agree because Kida teaches generation of a three-dimensional image showing the shortest and best route by means of an object in movement ([0209]; [0210]; [0211]) *which shows calculating shortest path based on user movement.*)

### ***Inquiries***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THANH T. VU whose telephone number is (571)272-4073. The examiner can normally be reached on Mon- Fri 7:00 AM - 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William L. Bashore can be reached on (571) 272-4088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Thanh T. Vu/  
Primary Examiner, Art Unit 2175